

## FIFTH COURT OF APPEALS

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**No. 05-19-00396-CR**

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FILED IN  
5th COURT OF APPEALS  
DALLAS, TEXAS

9/30/2019 12:00:00 AM

LISA MATZ  
Clerk

***Stoyan K. Anastassov, Appellant,***

***v.***

***State of Texas, Appellee***

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**On Appeal from the 292nd District Court, Dallas County  
Nos. F15-50349 & F15-50350**

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### **Appellant's Second Motion to Extend the Time to File the Appellant's Brief Requesting Seven Additional Days**

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Attorney for Appellant**

**To the Honorable Justices of the Court of Appeals:**

Attorney for Appellant files this second motion to extend the time to file the Appellant's Brief requesting seven additional days [*See* Tex. Rule App. Proc. 10.5(b) and 38.6(c)]:

1. The cases below are *State v. Anastassov*, Nos. F15-50349 & F15-50350 (292nd Dist. Ct. Dallas Co.).

2. On February 28, 2019, in both cases Appellant was convicted of Indecency with a Child by contact under Tex. Penal Code § 21.11(a)(1) (2013) and was sentenced to 9 years in TDCJ for F15-50349 and 3 years for F15-50350.

3. Appellant is incarcerated.

4. The clerk's records in both cases were filed was on June 24, 2019.

5. The single reporter's record was filed on July 29, 2019.

6. One previous extension of 30 days to file the Appellant's Brief has been granted.

7. The Appellant's Brief is due on **September 27, 2019**.

8. Attorney for Appellant requests an extension of **seven days** until on or before **October 4, 2019** to file the Appellant's Brief.

9. Attorney for Appellant relies on the following facts as good cause for the requested extension: The Appellant's Brief is about 75% complete. Attorney for Appellant has diligently been working on the Brief. However, most of the week of

September 16 was spent on final trial-preparation for *State v. Guyger*, No. F18-00737 (204th Dist. Ct. Dallas Co.), which is the officer-involved shooting that occurred on September 6, 2018. Trial began on September 23, 2019 and has required 14-16 hours per day of Attorney for Appellant's time. The trial is continuing on Saturday, September 28, 2019 and is expected to continue into the week of September 30, 2019.

10. Attorney for Appellant has been exceptionally busy with other cases that have pending deadlines that could **not** be extended. On August 22, 2019, Attorney for Appellant completed and filed a complex sentencing memorandum in *United States v. Shults*, No. 3-14-CR-00298 (N.D.Tex.) and was preparing for the sentencing hearing in the case set for August 28, 2019. This sentencing hearing took place but was not completed, and the parties are scheduled to return on October 8, 2019 for its continuation. In the past 30 days, Attorney for Appellant has had to perform additional work on this case in preparation of the October hearing.

11. Attorney for Appellant has also been working on other cases including appeals, trial preparation, investigations in habeas corpus cases, and four death penalty cases (state and federal habeas corpus), including the investigation of an application for a writ of habeas corpus under Tex. Code Crim. Proc. Art. 11.071 that Attorney for Appellant continues to investigate in *Ex parte Hudson*, No. 3CR-16-32585 (3rd Dist. Ct. Anderson Co.), No. WR-88,225-01 (Tex.Crim.App.). This is a

complex death penalty case involving the deaths of six persons.

12. On August 29, 2019, Attorney for Appellant completed and filed a petition for writ of certiorari in [\*Juarez v. Director\*, No. 19-298 \(U.S.\)](#) (capital-life Murder case). And on September 11, 2019, Attorney for Appellant completed and filed a PDR in *Gonzales v. State*, No. PD-0803-19 (Tex.Crim.App.) and another PDR in *Davis v. State*, No. PD-0882-19 (Tex.Crim.App.) completed and filed on September 23, 2019.

13. Attorney for Appellant also has the following briefs, petitions, or motions due soon:

- Appellant's Brief in *Tufts v. State*, No. 02-19-00143-CR (Tex.App-Fort Worth) due October 11, 2019

14. Due to Attorney for Appellant's caseload and his standards for his work-product, he requests this extension to complete the Brief. Barring an unforeseen catastrophe, this should be the last request for an extension.


15. Attorney for Appellant has a responsibility to Appellant to provide the effective assistance of appellate counsel, *see Evitts v. Lucey*, 469 U.S. 387, 392 (1985), and believes that that the requested additional time is necessary to provide such counsel.

16. This motion is not filed for purposes of delay but so that justice may be served.

### **Prayer**

Attorney for Appellant prays that the Court grants this second motion to extend the time to file the Appellant's Brief requesting seven additional days

Respectfully submitted,

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### **Certificate of Service**

I certify that on September 27, 2019, a copy of this document was served on the Dallas County District Attorney's Office Appellate Division by efile or email to [DCDAAppeals@dallascounty.org](mailto:DCDAAppeals@dallascounty.org).

  
/s/ Michael Mowla  
Michael Mowla